



**REQUEST**  
FOR  
**CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/812,809
Filing Date	March 20, 2001
First Named Inventor	Petite
Group Art Unit	2863
Examiner Name	Nghiem, Michael P.
Attorney Docket Number	81948-1042 (old 81607-1042)

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCE's (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously Submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the amendment(s) reply under 37 CFR 1.116 previously filed on
- ii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other:
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required).
- b. ☐ Other:
3. **Fees**
- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No.
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other:
- b. ☐ Check in the amount of \$ enclosed.
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print Type)	N. Andrew Crain	Registration No. (Attorney/Agent)	45,442
Signature		Date	July 26 2004

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Anne Antonoff
Signature	
Date	7/26/04

This collection of information is required by 37 CFR 1.114. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1455, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<div style="text-align: center;"> <b>FEE TRANSMITTAL</b>  <b>for FY 2004</b> </div> <p style="font-size: small;">Effective 10/01/2003. Patent fees are subject to annual revisions.</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p><b>TOTAL AMOUNT OF PAYMENT</b> (\$ <b>385.00</b>)</p>	<p style="text-align: center;"><i>Complete If Known</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application Number</td> <td style="text-align: center;">09/812,809</td> </tr> <tr> <td>Filing Date</td> <td style="text-align: center;">March 20, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td style="text-align: center;">Petite</td> </tr> <tr> <td>Examiner Name</td> <td style="text-align: center;">Nghiem, Michael P.</td> </tr> <tr> <td>Group / Art Unit</td> <td style="text-align: center;">2863</td> </tr> <tr> <td>Attorney Docket No.</td> <td style="text-align: center;">81948-1042 (formerly 81607-1042)</td> </tr> </table>	Application Number	09/812,809	Filing Date	March 20, 2001	First Named Inventor	Petite	Examiner Name	Nghiem, Michael P.	Group / Art Unit	2863	Attorney Docket No.	81948-1042 (formerly 81607-1042)
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<p><b>METHOD OF PAYMENT (check all that apply)</b></p> <p> <input type="checkbox"/> Check            <input checked="" type="checkbox"/> Credit Card            <input type="checkbox"/> Money Order            <input type="checkbox"/> Other            <input type="checkbox"/> None       </p> <p><input checked="" type="checkbox"/> Deposit Account</p> <p>Deposit Account Number: <b>20-0778</b></p> <p>Deposit Account Name: <b>Thomas, Kayden, Horstemeyer Risley, L.L.P.</b></p> <p><b>The Commissioner is authorized to: (check all that apply)</b></p> <p> <input type="checkbox"/> Charge fee(s) indicated below            <input checked="" type="checkbox"/> Credit any overpayments       </p> <p> <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application       </p> <p> <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account       </p> <p style="text-align: center;"><b>FEE CALCULATION</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">1. BASIC FILING FEE</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Large Entity Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>1001</td> <td>770</td> <td>2001</td> <td>385</td> <td>Utility Filing Fee</td> <td></td> </tr> <tr> <td>1002</td> <td>340</td> <td>2002</td> <td>170</td> <td>Design Filing Fee</td> <td></td> </tr> <tr> <td>1003</td> <td>530</td> <td>2003</td> <td>265</td> <td>Plant Filing Fee</td> <td></td> </tr> <tr> <td>1004</td> <td>770</td> <td>2004</td> <td>385</td> <td>Reissue Filing Fee</td> <td></td> </tr> <tr> <td>1005</td> <td>160</td> <td>2005</td> <td>80</td> <td>Provisional Filing Fee</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (1)</b></td> <td>(\$)</td> <td></td> </tr> </table> <p><b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2"></th> <th>Extra Claims</th> <th>Fee From Below</th> <th>Fee Paid</th> </tr> <tr> <td>Total Claims</td> <td></td> <td>- 20**=</td> <td>X 9.00</td> <td>=</td> </tr> <tr> <td>Independent Claims</td> <td></td> <td>- 3**=</td> <td>X 43.00</td> <td>=</td> </tr> <tr> <td>Multiple Dependent</td> <td></td> <td></td> <td>145.00</td> <td>=</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> <tr> <td>1202</td> <td>18</td> <td>2202</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>1201</td> <td>86</td> <td>2201</td> <td>43</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>1203</td> <td>290</td> <td>2203</td> <td>145</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>1204</td> <td>86</td> <td>2204</td> <td>43</td> <td>**Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>1205</td> <td>18</td> <td>2205</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (2)</b></td> <td>(\$)</td> <td></td> </tr> </table> <p><small>**or number previously paid, if greater; For Reissues, see above</small></p>	1. BASIC FILING FEE		Small Entity		Fee Description	Fee Paid	Large Entity Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	770	2001	385	Utility Filing Fee		1002	340	2002	170	Design Filing Fee		1003	530	2003	265	Plant Filing Fee		1004	770	2004	385	Reissue Filing Fee		1005	160	2005	80	Provisional Filing Fee		<b>SUBTOTAL (1)</b>				(\$)				Extra Claims	Fee From Below	Fee Paid	Total Claims		- 20**=	X 9.00	=	Independent Claims		- 3**=	X 43.00	=	Multiple Dependent			145.00	=	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	86	2201	43	Independent claims in excess of 3		1203	290	2203	145	Multiple dependent claim, if not paid		1204	86	2204	43	**Reissue independent claims over original patent		1205	18	2205	9	**Reissue claims in excess of 20 and over original patent		<b>SUBTOTAL (2)</b>				(\$)		<p><b>3. 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<td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR § 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each add. invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td>\$385.00</td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited exam. of a design application</td> <td></td> </tr> <tr> <td colspan="4">Other fee (specify)</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;"><b>SUBTOTAL (3)</b></td> <td>(\$)</td> 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1501	1,330	2501	665	Utility issue fee (or reissue)																																																																																																																																																																																																																																																																																																											
1502	480	2502	240	Design issue fee																																																																																																																																																																																																																																																																																																											
1503	640	2503	320	Plant issue fee																																																																																																																																																																																																																																																																																																											
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																																																																																																																																											
1807	50	1807	50	Processing fee for provisional application																																																																																																																																																																																																																																																																																																											
1806	180	1806	180	Submission of Information Disclosure Stmt																																																																																																																																																																																																																																																																																																											
8021	40	8021	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																											
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																																																																																											
1810	770	2810	385	For each add. invention to be examined (37 CFR 1.129(b))																																																																																																																																																																																																																																																																																																											
1801	770	2801	385	Request for Continued Examination (RCE)	\$385.00																																																																																																																																																																																																																																																																																																										
1802	900	1802	900	Request for expedited exam. of a design application																																																																																																																																																																																																																																																																																																											
Other fee (specify)																																																																																																																																																																																																																																																																																																															
<b>SUBTOTAL (3)</b>				(\$)	<b>385.00</b>																																																																																																																																																																																																																																																																																																										

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Typed or Printed Name: <b>N. Andrew Crain</b>	Registration No.: <b>45,442</b>	Telephone Number: <b>770-933-9500</b>	Date: <b>July 26, 2004</b>
Signature:			

**WARNING: Information on this form may become public. Credit Card Information should not be included on this form. Provide credit card information and authorization on PTO-2038**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 USC 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application of:

Petite	Confirmation No.:	1207
Serial No.:	Group Art Unit:	2863
09/812,809	Examiner:	Nghiem, Michael P.
Filed:	Docket No.:	81948-1042
March 20, 2001		(formerly 81607-1042)
For:	<b>System and Method for Monitoring the Light Level in a Lighted Area</b>	

**RESPONSE AND AMENDMENT FILED WITH REQUEST FOR CONTINUED  
EXAMINATION (RCE)**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The outstanding Office Action mailed *July 16, 2004* has been carefully considered. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

**AUTHORIZATION TO DEBIT ACCOUNT**

It is believed that no extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 20-0778.



IFW RCE  
2863  
H-

## CERTIFICATE OF MAILING

I hereby certify that the below listed items are being deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

**Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450**

on July 26, 2004.

Anne Antonoff  
Anne Antonoff

In Re Application of:

Petite

Serial No.: 09/812,809

Filed: March 20, 2001

For: **System and Method for  
Monitoring the Light Level  
in a Lighted Area**

Confirmation No.: 1207

Group Art Unit: 2863

Examiner: Nghiem, Michael P.

Docket No.: 81948-1042  
(formerly 81607-1042)

The following is a list of documents enclosed:

Return Postcard  
RCE Transmittal  
Response and Amendment Filed with Request for Continued Examination (RCE)  
Fee Transmittal  
Form 2038 authorizing \$385.00 for the RCE

Further, the Commissioner is authorized to charge Deposit Account No. 20-0778 for any additional fees required. The Commissioner is requested to credit any excess fee paid to Deposit Account No. 20-0778.